

### **Remarks**

Claims 1-17, 22-24, 26, 38-41 and 45 are pending. By this amendment, claims 18-21, 25, 27-37 and 42-44 have been canceled, claims 1, 6, 22, 38 and 39 have been amended and claim 45 has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested. No new matter is believed added.

In correspondence from the Office dated July 31, 2001, the application was made subject to election/restriction. In a subsequent response dated August 20, 2001, Applicant elected Species I drawn to Figs. 1-6B with traverse. Non-elected claims 18-21, 25, 27-29, 32-37 and 42-44 were withdrawn from consideration and have been cancelled herein.

The drawings were objected to because Fig. 2 allegedly fails to show thru hole (31) of housing (24) as described in the Specification. In a Request for Approval of Drawing Corrections attached hereto, Applicant has amended Fig. 2 to more clearly show thru hole (31). Accordingly, withdrawal of the object is respectfully requested.

Claims 1-17 are rejected under 35 U.S.C. §112, first paragraph as containing subject matter which was not described in the specification in such a way to enable one skilled in the art ... to make and/or use the invention. Applicant has clarified claim 1 as suggested by the Office and hereby requests withdrawal of the rejection.

Claim 39 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. Applicant has clarified claim 39 to overcome the rejection and, accordingly, requests that the rejection be withdrawn.

The Office has further rejected claims 1-3, 8, 9, 11, 12, 22, 23 and 26 under 35 U.S.C. §102(b) as being anticipated by Perry, and claims 38-40 under 35 U.S.C. §102(b) as being anticipated by Sweeney. Moreover, the Office has indicated that claims 4-7, 10 and 13-17 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and that claims 24-41 would be allowable if re-written in independent form.

With respect to claims 1-17, Applicant submits that Perry fails to show each and every feature of the claimed invention. Specifically, the claimed invention includes, among other things, a first support member including a shaft having a threaded coupling joined thereto. As shown in Fig. 2, support member (32) includes a coupling (35) joined thereto, which is threaded to accept rod (22). In contrast, the rod (4) of Perry relies upon a collar (6) to remain in position. Such a feature fails to provide the easy adjustability of the present invention. Accordingly, because the cited art fails to teach this as well as other features of the claimed invention, withdrawal of the above-referenced rejection is respectfully requested.

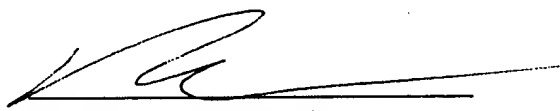
With respect to claims 22-24 and 26, Applicant submits that Perry fails to teach each and every feature of the claimed invention. Specifically, the claimed invention includes, among other things, a housing having a channel and a housing coupling, and a support member having a shaft and a coupling, wherein the shaft is coupled within the channel of the housing. As shown in Fig. 2, shaft (33') is coupled within channel (28) of housing (24). In contrast, Perry fails to show any such interrelation between a channel and a housing. Thus, Applicant respectfully requests withdrawal of the above-referenced rejection.

With respect to claims 38-41, Applicant submits that Sweeney fails to teach each and every feature of the claimed invention. Specifically, the base of the claimed invention includes, among other things, a threaded aperture in the elongate body, between the first and second ends. As depicted in Fig 2., the threaded aperture (11) is within the elongate body (14) between the support brackets (12). In contrast, the aperture of Sweeney is formed in tubular member (9) and not in supporting rod (11), as shown in Fig. 1 thereof. Therefore, because Sweeney fails to teach each and every feature of the claimed invention, withdrawal of the above-referenced rejections is respectfully requested.

With respect to new claim 45, Applicant submits that the cited art fails to teach each and every feature of the claimed invention. Specifically, the claimed invention includes: (1) a base having at least one set of support brackets; (2) a first support member, adapted for connection to at least one of the support brackets, wherein the support member includes a shaft and a coupling joined to the shaft; and (3) a first connector, extending through one of the set of support brackets, for securing the support member to the one set of support brackets. The cited art fails to show, among other things, a connector extending through one of the set of support brackets and through the shaft. For example, screw (3) of Perry is adapted to engage post (2) and not extend through post (2). Accordingly, Applicant submits that claim 45 is allowable.

Applicant respectfully submits that, unless expressly stated otherwise: (1) no amendment made was related to the statutory requirements of patentability; and (2) no amendment was made for the purpose of narrowing the scope of any claims. Applicant further respectfully submits that the application is in condition for allowance. Should the Examiner believe that anything further is necessary, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'RD', followed by a long horizontal line.

Ronald A. D'Alessandro, Jr.  
Reg. No. 42,456

Dated: February 5, 2002

Hoffman, Warnick & D'Alessandro LLC  
Three E-Comm Square  
Albany, NY 12207  
(518) 449-0044 - Telephone  
(518) 449-0047 - Facsimile